

MINUTES

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

HON. MYRON H. THOMPSON, JUDGE AT MONTGOMERY, ALABAMA

DATE COMMENCED DECEMBER 9, 2005 AT 2:00 A.M./P.M.

DATE COMPLETED DECEMBER 9, 2005 AT 2:45 A.M./P.M.

MARCUS EDWARD PHILLIPS, etc.,)
)
 Plaintiff)
)
 v) CA No. 2:05-cv-00934-T
)
 THE CITY OF OPP, ALABAMA, et al.,)
)
 Defendants)

<u>PLAINTIFF(S)/GOVERNMENT</u>	<u>APPEARANCES</u>	<u>DEFENDANT(S)</u>
Attys Charles Brunson, Steven Blair	X X X X	Attys James Pike, Todd Derrick* (*notice has not been filed)

<u>COURT OFFICIALS PRESENT:</u>		
David Sapp, Law Clerk	Sheila Carnes, Courtroom Clerk	Mitchell Reisner, Court Reporter

PROCEEDINGS:

() NONJURY TRIAL

(x) OTHER PROCEEDING: ORAL ARGUMENT (PENDING MOTIONS)

2:00 p.m. Oral argument heard, by telephone, on pending motions to dismiss (5) and to stay discovery (11). Counts II and III of the Complaint will be dismissed, as stated on the record. Plaintiff may amend the complaint as to Count I; order to issue setting deadline to amend. Defendant's motion to dismiss will be construed as pending as to any amended complaint.

2:45 p.m. Hearing concluded.